

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Council Members

FROM: Frank J. Culross, City Manager

SUBJECT: Enclosures - Council Packet

DATE: February 6, 2015

Enclosed with this memorandum are the following items:

- 2-1 Notice regarding a Rye City School District Board of Education meeting to be held on Tuesday, February 10, 2015 beginning at 8:30 p.m. in the Rye Middle School Multipurpose Room.
- 2-2 Legal Department Update from the Corporation Counsel dated February 6, 2015.
- 2-3 Notice from the Westchester County Department of Health regarding the availability of free flu shots and other vaccines at their Yonkers and White Plains clinics.
- 2-4 Meeting notice for the week of February 9, 2015 is available on the City website www.ryeny.gov under Calendar.



The Rye City School District

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*Elaine Cuglietto
District Clerk
cugliete@ryeschools.org*

February 5, 2015

FOR IMMEDIATE RELEASE

February 10, 2015 Board of Education Meeting

The Rye City School District Board of Education will meet Tuesday, February 10, 2015 **beginning at 8:30 PM** in the Rye Middle School Multipurpose Room, 3 Parsons Street, Rye, NY 10580.

Prior to the meeting, the Board will meet in Executive Session beginning at 6:30 PM in the Rye City School District Central Administration Building, 411 Theodore Fremd Avenue, Suite 100S, Rye New York 10580 for the review of the employment history of current and prospective employees, negotiations pursuant to the Taylor Law, review of current litigation and litigation strategy.

On the agenda are business and personnel items that normally come before the Board. In addition, there will be a presentation on new Spanish Grade 8 Curriculum Revisions as well as a discussion on full day kindergarten.

Members of the public are welcome and encouraged to attend this meeting of the Board and to speak at designated times.

**CITY OF RYE
MEMORANDUM**

TO: Honorable Mayor and Rye City Council
FROM: Kristen K. Wilson, Corporation Counsel
SUBJECT: Litigation Update
DATE: February 6, 2015

TAX CERTIORARI

CARROLL v. CITY OF RYE

Carroll has filed and served a “Notice of Combined Motion to Reargue, or, In the Alternative, For Leave to Appeal to The Court of Appeals.” The return date is February 20, 2015 and our opposition papers must be served 7 days prior.

THE TOWN OF RYE AND THE RYE TOWN PARK COMMISSION v. THE ASSESSOR and Board of Assessment Review of the CITY OF RYE

The City’s reply brief was served and filed. This matter is now fully submitted to the Appellate Division, Second Department. We are waiting for an oral argument date.

WESTCHESTER JOINT WATER WORKS v. CITY OF RYE

Opposition papers were served on November 14, 2014.

181 NEW ENGLAND SEAFOOD CORP. v. NOREEN WHITTY, et al

The City’s Cross-Motion for Summary Judgment and papers in opposition to Petitioner’s motion for summary judgment were filed and served. **This motion is fully submitted.**

LITIGATION

BEAVER SWAMP BROOK – (DEC Administrative proceeding)

The expedited appeals of ALJ O’Connell’s October and December decisions are fully submitted. A conference call was held and all parties agreed to hold the adjudicatory hearing in abeyance until the Commissioner renders a decision on the appeals from ALJ O’Connell’s interim decisions.

CASPI v. CITY OF RYE

The trial date has been adjourned to April 6, 2015. **Plaintiff must serve any motion papers on or before February 10, 2015 and Defendants must serve any opposition papers on or before February 17, 2015.**

BOARD OF MANAGERS OF THE IVES AT RYE v. CITY OF RYE

The City has served its Answer with Affirmative Defenses.

OMNI CONTRACTING V. CITY OF RYE

The co-defendant Calgi Construction has filed for bankruptcy. As a result, the trial has been adjourned.

AMERICAN LEISURE ACTIVITIES OF NEW YORK CITY INC. v. CITY OF RYE

A date for a hearing on damages was calendared for March 13, 2015. A Notice of Appeal has been filed appealing the decision on Summary Judgment.

RVIN REYES, et al v. CITY OF RYE, RYE GOLF CLUB, RM STAFFING & EVENTS, INC., MORRIS YACHT AND BEACH CLUB, INC. and SCOTT YANDRASEVICH, Jointly and Severally

Plaintiffs' counsel served an amended complaint.

GORDON and MARIA HARGRAVES v. CITY OF RYE ZONING BOARD OF APPEALS, WALTER & MARGARET NELSON, and Robert TALT

A motion to dismiss was filed and served by Respondents asking the court to dismiss the Amended Notice of Petition/Petition commenced against the respondents based on the Supplemental Findings and Decision rendered by the Zoning Board of Appeals.

P. STEPHEN LAMONT v. KRISTEN K. WILSON, et al

The Defendants' Motion to Dismiss is fully submitted.

CHITTENDEN v. COMPAGNONE

I appeared at the preliminary conference to discuss the case and a potential scheduling order. Plaintiff Lucille Chittenden's attorney failed to make an appearance. After several attempts to contact Plaintiff's counsel, the nonappearance was noted and a new conference date was scheduled.

DOUGLAS E. LIMAN v. NICK EVERETT, MARTHA MONSERRATE, LAURA BRETT, BARBARA CUMMINGS, HUGH GREECHAN, PETER OLSEN, ALFRED VITIELLO, constituting the PLANNING COMMISSION OF THE CITY OF RYE, PANKAJ GUPTA and EMILY GUPTA, PAM McGUIRE and EUGENE McGUIRE

The City was served with an Article 78 proceeding seeking to vacate and nullify actions taken by the Planning Commission in approving a development project proposed by Applicants Pankaj and Emily Gupta. The petition seeks an Order annulling the Planning Commission's Resolution granting a Wetland and Watercourse Permit to the applicants.

JOHN CASTELHANO as President of the RYE PROFESSIONAL FIRE FIGHTERS ASSOCIATION, LOCAL 2029, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO v. CITY OF RYE BOARD OF FIRE WARDENS, PETER COTTER, MICHAEL BILLINGTON, RICHARD BARBER, JOSEPH CARLUCCI, JOHN FALLON, ARCADIO OCASIO, RICHARD CADIGAN, PETER ANFUSO, JAMES BURKE, JOHN ALFANO and BRIAN GILMARTIN in their individual capacities as members of the City of Rye Board of Fire Wardens

The Defendants time to answer or otherwise move has been extended to February 13, 2015.

ROBERT BUTLER AND PAULA BUTLER v. CITY OF RYE PLANNING COMMISSION, DANIEL MATHISSON AND HELENE MATHISSON

Petitioners have filed a Petitioner for a Writ of Certiorari with the United States Supreme Court presenting the following question: "Under the Contract Clause of the U.S. Constitution,

Article I, Section 10, Clause 1, may a local legislative commission, for the individual benefit of the lot owner and not part of its general police power, modify a building set-back line embodied in a subdivision map considered a deed restriction that has been observed and relied upon by property owners in the subdivision for more than 40 years?"

CITY COURT

Routine calendar with no unusual dispositions.

Respectfully submitted,

A handwritten signature in black ink that reads "Kristen K. Wilson". The signature is written in a cursive, flowing style.

Kristen K. Wilson
Corporation Counsel

KKW/dfn



Robert P. Astorino, Westchester County Executive

NEWS RELEASE

Sherlita Amler, MD, Commissioner, Department of Health

Ned McCormack, Communications Director

Contact: Caren Halbfinger (914) 813-5013 / after hours: 813-5000

For Immediate Release: Feb. 4, 2015

ASTORINO ANNOUNCES FREE FRIDAY VACCINE CLINICS

Health Commissioner Urges All Residents to Get Flu Shots and Other Needed Vaccines

The Westchester County Health Department is offering residents the opportunity this month to get free flu shots, along with vaccines to protect against six other diseases at its Yonkers and White Plains clinics.

“Getting these vaccines can help keep you and your family stay healthy this year,” said County Executive Robert P. Astorino.

The health department clinics will offer:

- Free flu vaccines to residents age 19 and up and
- Free HPV and meningococcal vaccine for college students.

Residents who are uninsured or whose insurance doesn’t cover vaccines also may receive:

- Zoster vaccines for ages 60 and up to protect against Shingles
- Flu vaccine for children ages six months through 18 years
- MMR for residents age 19 and up, which provides protection against measles

Call now for your appointment. Supplies are limited. Clinics will be held:

- Feb. 6 and 20 at our White Plains Clinic, 134 Court St., call 995-5800
- Feb. 13 and 27 at our Yonkers Clinic, 20 S. Broadway, 2nd floor, call 231-2500

“Last week’s case of measles in a Bard College student who rode an Amtrak train as well as the multi-state measles outbreak that originated at Disneyland are fresh reminders of the importance of getting vaccinated,” said Commissioner of Health Sherlita Amler, MD. “We have vaccines for children, students, adults and seniors – and these vaccines provide safe and effective protection for a number of diseases.”

The Health Department has expanded access to adult vaccines by giving more than 2,000 vaccines at a variety of clinics countywide.

To prevent spreading the flu, cough or sneeze into your elbow and wash your hands frequently with soap and water frequently. If you do get a respiratory infection, stay home until 24 hours after your fever subsides to avoid spreading your germs. Clean surfaces you touch often, such as doorknobs, water faucets, refrigerator handles and telephones. Get plenty of rest, exercise and eat healthy food.

For more health information, go to www.westchestergov.com/health; Like us on [Facebook.com/wchealthdept](https://www.facebook.com/wchealthdept) and Follow us on [Twitter @wchealthdept](https://twitter.com/wchealthdept).